

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JACOB JUNG and JAMES JUNG, as	:	CIVIL ACTION
Administrators of the Estate of Louis	:	
Jung, Jr.	:	
	:	
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, BLANCHE	:	
CARNEY, Former Commissioner of	:	
Philadelphia Dept. of Prisons, LALITHA	:	
TRIVIKRAM, MAUREEN GAY, YESCARE	:	
CORP., and CORRECTIONAL OFFICER	:	
JOHN DOES 1-10	:	NO. 24-5618

ORDER

NOW, this 9th day of January, 2025, upon consideration of the Defendants' Motion to Dismiss for Failure to state a claim (Doc. No. 14), and the plaintiff's response, it is **ORDERED** that the motion is **GRANTED IN PART AND DENIED IN PART**.

IT IS FURTHER ORDERED as follows:

1. To the extent the motion seeks to dismiss claims against the City of Philadelphia and Blanche Carney in Count II, it is **GRANTED**.
2. The medical malpractice claims set forth in Count II against the City of Philadelphia and Blanche Carney are **DISMISSED WITH PREJUDICE**.
3. In all other respects, the motion is **DENIED**.

/s/ Timothy J. Savage
TIMOTHY J. SAVAGE, J.